

## CHAPTER XIV

## PARK BOARD

SECTION 14.00. (Park board established). There shall be a board of park commissioners of the City of Rochester, to consist of one member from each ward and one member at large, appointed by the mayor and confirmed by the common council. They shall be residents of the city. Each shall hold office for four years. A park commissioner shall be appointed from each odd numbered ward on the second Monday in June in each odd numbered year in which the previous term has expired, and a park commissioner shall be appointed from each even numbered ward on the second Monday in June in each even numbered year in which the previous term has expired. The park commissioner at large shall be appointed on the second Monday in June in each odd numbered year in which the previous term has expired. The commissioners are subject to removal for cause by the mayor with the consent of the common council. When a vacancy exists for whatever reason, the mayor shall appoint a commissioner, subject to common council confirmation, to complete the unexpired term.

(2860, 2/1/93)

SECTION 14.01. (Organization). Each person so appointed shall file a written oath and acceptance with the city clerk before entering upon the discharge of the duties of his office. The park commissioner at large shall, by virtue of his office, be the president of the said board. They shall, as soon as this charter takes effect, choose from the members thereof a secretary, and at the first meeting thereof in June in each year thereafter, the members shall again so elect a secretary. Said board shall from time to time appoint, employ and remove a superintendent of parks and recreation and such other agents and employees as it shall deem necessary subject to any employment procedures as may be established by this charter or the common council. Compensation shall be fixed by the board, subject to revision by the common council, and shall be paid out of the park fund.

SECTION 14.02. (General powers). The said board shall have management and control of all the parks and parkways of the city. It shall direct all expenditures from the park funds for the maintenance and improvements of the park and parkways and shall have power to provide, either directly or by lease of privileges, such conveniences, accommodations and entertainments as such board may deem proper for the use, enjoyment or recreation of visitors to such parks.

SECTION 14.03. (Auditorium). Municipal auditoriums, and facilities incident thereto as defined by the common council, located in city parks shall be under the management and control of the common council, or such person or board, whether then existing or established for this purpose, as the common council, by resolution, may designate.

SECTION 14.04. (Land acquisitions; gifts). The city may from time to time acquire lands for parks and parkways, within or without the corporate limits, in the manner provided in this charter. Lands may be so acquired in the name of the city by gift, devise, purchase or condemnation, and, upon obtaining title thereto, said board may assume possession thereof. Said board may also accept on behalf of the city bequests of donations of money or property for the use of the city, for purposes connected with the parks and parkways.

SECTION 14.05. (Land acquisitions other). When the board of park commissioners shall deem it to be in the public interest that any tract or tracts, parcel or parcels of land shall be condemned for use of the city for any public park or parkway, or the extension of any park or parkway within or without the limits of the city, and shall so determine by resolution signed by at least three of their number they shall present the same to the common council. The common council shall thereupon have power, upon the application of such board of park commissioners, to acquire all necessary lands for park purposes, either by purchase or condemnation. In case it shall be deemed necessary to take private property for any of the purposes herein stated, the common council may condemn such property in the same manner herein provided, or as provided by law, for the condemnation of property in the laying out, opening and widening of public streets, highways and alleys; provided, it shall not have power to take by condemnation for park purposes any portion of any public or private cemetery.

SECTION 14.06. (Finances). The board of park commissioners shall not in any fiscal year, create any obligation or spend any money upon parks or parkways other than the amount levied and appropriated therefore by the common council, or otherwise donated or appropriated for such use. The president of such board shall audit all bills and accounts created by it, or by its superintendent, before they shall be allowed by the common council. The president shall not audit any bills or accounts, unless there is money in the city treasury belonging to the proper fund to pay such bills and accounts.

SECTION 14.07. (Compensation prohibited). Repealed.

SECTION 14.08. (Expenditures, parkways). The board of park commissioners shall have authority to expend money out of the park fund upon the boulevards of the city, when the same have been designated as such by the common council, for the purpose of improving and beautifying the same and for boulevarding the sides of such streets as are designated as boulevards, also for the purpose of planting trees on streets, but shall not otherwise have or exercise any jurisdiction or control over the same, or any part thereof.

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